

# House File 583 - Reprinted

HOUSE FILE 583

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 425)

(As Amended and Passed by the House March 19, 2015)

## A BILL FOR

1 An Act relating to the control of effluent from animal truck  
2 wash facilities, by requiring certain permits, regulating  
3 storage and application of effluent, and making penalties  
4 applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 459A.101, Code 2015, is amended to read  
2 as follows:

3 **459A.101 Title.**

4 This chapter shall be known and may be cited as the  
5 *"Animal Agriculture Compliance Act for Open Feedlot Operations"*  
6 *Operations and Animal Truck Wash Facilities"*.

7 Sec. 2. Section 459A.102, Code 2015, is amended by adding  
8 the following new subsections:

9 NEW SUBSECTION. 3A. *"Animal truck wash effluent"* means  
10 a combination of manure, washwater-induced runoff, or other  
11 runoff derived from an animal truck wash facility, which may  
12 include solids.

13 NEW SUBSECTION. 3B. *"Animal truck wash effluent structure"*  
14 means an impoundment which is part of an animal truck wash  
15 facility, if the primary function of the impoundment is to  
16 collect and store animal truck wash effluent.

17 NEW SUBSECTION. 3C. *"Animal truck wash facility"*  
18 means an operation engaged in washing single-unit trucks,  
19 truck-tractors, semitrailers, or trailers used to transport  
20 animals.

21 NEW SUBSECTION. 7A. *"Concentrated animal feeding operation"*  
22 means the same as defined in 40 C.F.R. §122.23.

23 NEW SUBSECTION. 7B. *"Confinement feeding operation"* means  
24 the same as defined in section 459.102.

25 NEW SUBSECTION. 11A. *"Effluent"* means open feedlot effluent  
26 or animal truck wash effluent.

27 NEW SUBSECTION. 11B. *"Federal Water Pollution Control Act"*,  
28 means the federal Water Pollution Control Act of 1972, 33  
29 U.S.C. ch. 26, as amended, and 40 C.F.R., pts. 122 and 412.

30 NEW SUBSECTION. 11C. *"Formed animal truck wash effluent*  
31 *structure"* means a covered or uncovered impoundment used to  
32 store effluent from an animal truck wash facility, which has  
33 walls and a floor constructed of concrete, concrete block,  
34 wood, steel, or similar materials.

35 NEW SUBSECTION. 13A. *"Karst terrain"* means the same as

1 defined in section 459.102.

2 NEW SUBSECTION. 13B. "*Manure storage structure*" means the  
3 same as defined in section 459.102.

4 NEW SUBSECTION. 13C. "*NPDES permit*" means a permit issued  
5 by the department under the national pollutant discharge  
6 elimination system pursuant to the federal Water Pollution  
7 Control Act of 1972, 33 U.S.C. ch. 26, as amended, and 40  
8 C.F.R. pts. 122 and 412.

9 NEW SUBSECTION. 19A. "*Owner*" means a person who holds legal  
10 or equitable title to any of the following:

11 a. The property where an open feedlot operation or animal  
12 truck wash facility is located.

13 b. An open feedlot operation structure which is part of  
14 an open feedlot operation or an animal truck wash effluent  
15 structure which is part of an animal truck wash facility.

16 NEW SUBSECTION. 19B. "*Professional engineer*" means the same  
17 as defined in section 459.102.

18 NEW SUBSECTION. 23A. "*Small animal feeding operation*" means  
19 the same as defined in section 459.102.

20 NEW SUBSECTION. 23B. "*Small animal truck wash facility*"  
21 means an animal truck wash facility, if all of the following  
22 apply:

23 a. The animal truck wash facility and all single-unit  
24 trucks, truck-tractors, semitrailers, or trailers that are  
25 washed at the facility are owned by the same person.

26 b. The average total per day volume of washwater used by the  
27 animal truck wash facility does not exceed two thousand gallons  
28 as calculated on a monthly basis.

29 NEW SUBSECTION. 23C. a. "*Solids*" means that portion of  
30 effluent that meets all of the following requirements:

31 (1) Does not flow perceptibly under pressure.

32 (2) Is not capable of being transported through a mechanical  
33 pumping device designed to move a liquid.

34 (3) The constituent molecules do not flow freely among  
35 themselves but do show the tendency to separate under stress.

1     *b. "Solids" includes settleable solids and scraped solids.*

2     NEW SUBSECTION. 25A. "Structure" means any of the  
3 following:

4     *a. An open feedlot operation structure.*

5     *b. An animal truck wash effluent structure.*

6     NEW SUBSECTION. 25B. "Unformed animal truck wash effluent  
7 *structure" means a covered or uncovered impoundment used to*  
8 store animal truck wash effluent, other than a formed animal  
9 truck wash effluent structure.

10     Sec. 3. Section 459A.102, subsections 14, 16, and 25, Code  
11 2015, are amended to read as follows:

12     14. "*Nutrient management plan*" or "*plan*" means a plan which  
13 provides for the management of open feedlot effluent, or animal  
14 truck wash effluent, including the application of effluent as  
15 provided in section 459A.208.

16     16. "*Open feedlot effluent*" ~~or "*effluent*"~~ means a  
17 combination of manure, precipitation-induced runoff, or other  
18 runoff from an open feedlot before its settleable solids have  
19 been removed.

20     25. "*Stockpile*" means to store solids from ~~an~~ any of the  
21 following:

22     *a. An open feedlot operation outside of an open feedlot*  
23 *operation structure, or outside of an area that drains to an*  
24 *open feedlot operation structure.*

25     *b. An animal truck wash facility, outside an animal truck*  
26 *wash facility, or outside an area that drains to an animal*  
27 *truck wash facility.*

28     Sec. 4. Section 459A.102, subsections 19 and 21, Code 2015,  
29 are amended by striking the subsections.

30     Sec. 5. Section 459A.103, subsection 3, paragraph b, Code  
31 2015, is amended to read as follows:

32     *b. Notwithstanding paragraph "a", only for purposes of*  
33 determining whether an open feedlot operation must obtain ~~an~~  
34 ~~operating a~~ NPDES permit, the animal unit capacity of the  
35 animal feeding operation includes the animal unit capacities

1 of both the open feedlot operation and the confinement feeding  
2 operation if the animals in the open feedlot operation and the  
3 confinement feeding operation are all in the same category or  
4 type of animals as used in the definitions of large and medium  
5 concentrated animal feeding operations in 40 C.F.R. pt. 122.  
6 In all other respects the confinement feeding operation shall  
7 be governed by chapter 459 and the open feedlot operation shall  
8 be governed by this chapter.

9 Sec. 6. Section 459A.103, Code 2015, is amended by adding  
10 the following new subsections:

11 NEW SUBSECTION. 3A. An animal truck wash facility is  
12 considered to be part of an animal feeding operation if the  
13 animal truck wash facility and animal feeding operation are  
14 under common ownership or management and the animal truck wash  
15 facility is located within one thousand two hundred fifty feet  
16 of the animal feeding operation.

17 NEW SUBSECTION. 3B. a. If an open feedlot operation  
18 structure or animal truck wash effluent structure contains  
19 effluent from both an open feedlot operation and an animal  
20 truck wash facility, the animal truck wash effluent shall be  
21 deemed to be open feedlot effluent.

22 b. If a manure storage structure or animal truck wash  
23 effluent structure contains both manure from a confinement  
24 feeding operation and animal truck wash effluent from an animal  
25 truck wash facility, the effluent shall be deemed to be manure.

26 Sec. 7. Section 459A.103, subsection 6, Code 2015, is  
27 amended to read as follows:

28 6. The regulation of ~~open feedlot~~ effluent under this  
29 chapter shall be construed as also regulating ~~settled open~~  
30 ~~feedlot~~ effluent and solids.

31 Sec. 8. Section 459A.103, Code 2015, is amended by adding  
32 the following new subsection:

33 NEW SUBSECTION. 8. An animal truck wash facility may be  
34 part of either a confinement feeding operation or an open  
35 feedlot operation. An animal truck wash effluent structure may

1 also be the same as any of the following:

2     a. A manure storage structure that is part of the  
3 confinement feeding operation, so long as the primary function  
4 of such impoundment is to collect and store effluent from both  
5 the animal truck wash facility and manure from the confinement  
6 feeding operation.

7     b. A settled open feedlot effluent basin that is part of  
8 the open feedlot operation, so long as the primary function of  
9 such impoundment is to collect and store effluent from both the  
10 animal truck wash facility and open feedlot operation.

11     Sec. 9. Section 459A.104, Code 2015, is amended to read as  
12 follows:

13     **459A.104 General authority — commission and department —**  
14 **purpose — compliance.**

15     1. The commission shall establish by rule adopted pursuant  
16 to chapter 17A, requirements relating to the construction,  
17 including expansion, or operation of ~~open~~ all of the following:

18     a. Open feedlot operations, including any related open  
19 feedlot operation structures.

20     b. Animal truck wash facilities, including any related  
21 animal truck wash effluent structures.

22     2. Any provision referring generally to compliance with  
23 the requirements of this chapter as applied to open feedlot  
24 operations or animal truck wash facilities also includes  
25 compliance with requirements in rules adopted by the commission  
26 pursuant to this section, orders issued by the department as  
27 authorized under this chapter, and the terms and conditions  
28 applicable to licenses, certifications, permits, or nutrient  
29 management plans required under this chapter.

30     3. a. The purpose of this chapter is to provide  
31 requirements relating to the construction, including the  
32 expansion, and operation of ~~open~~ all of the following:

33     (1) Open feedlot operations, and the control of open feedlot  
34 effluent, which.

35     (2) Animal truck wash facilities, and the control of animal

1 truck wash effluent.

2 b. The provisions of this chapter shall be construed to  
3 supplement applicable provisions of chapter 459. If there is  
4 a conflict between the provisions of this chapter and chapter  
5 459, the provisions of this chapter shall prevail.

6 Sec. 10. Section 459A.105, Code 2015, is amended to read as  
7 follows:

8 **459A.105 Exception to regulation.**

9 1. a. Except as provided in subsection 2 paragraph  
10 "b", the requirements of this chapter which regulate open  
11 feedlot operations, including rules adopted by the department  
12 commission pursuant to section 459A.104, shall not apply  
13 to research activities and experiments performed under the  
14 authority and regulations of a research college, if the  
15 research activities and experiments relate to an open feedlot  
16 operation structure or the disposal or treatment of effluent  
17 originating from an open feedlot operation.

18 ~~2. b.~~ The requirements of section 459A.410, including rules  
19 adopted by the ~~department~~ commission under that section, apply  
20 to research activities and experiments performed under the  
21 authority and regulations of a research college.

22 2. a. Except as provided in paragraph "b", the requirements  
23 of this chapter, including rules adopted by the commission  
24 pursuant to section 459A.104, shall not apply to a small animal  
25 truck wash facility.

26 b. The requirements of section 459A.205, including rules  
27 adopted by the commission pursuant to that section shall apply  
28 to a small animal truck wash facility only to the extent  
29 required by section 459A.205, subsection 4A. The requirements  
30 of sections 459A.404 and 459A.410, including rules adopted by  
31 the commission under those provisions, apply to a small animal  
32 truck wash facility.

33 Sec. 11. Section 459A.201, subsection 3, paragraph b, Code  
34 2015, is amended to read as follows:

35 b. (1) A nutrient management plan as provided in section

1 459A.208 shall be approved or disapproved as part of a  
2 construction permit application pursuant to section 459A.205.

3 (2) If For an open feedlot operation, if the nutrient  
4 management plan is not part of an application for a  
5 construction permit, the nutrient management plan shall be  
6 approved or disapproved within sixty days from the date that  
7 the department receives the nutrient management plan.

8 Sec. 12. Section 459A.205, subsection 1, Code 2015, is  
9 amended to read as follows:

10 1. a. The department shall approve or disapprove  
11 applications for permits for the construction, including the  
12 expansion, of ~~settled~~ the following structures:

13 (1) Settled open feedlot effluent basins and alternative  
14 technology systems, which are part of open feedlot operations  
15 as provided in this chapter.

16 (2) Animal truck wash effluent structures which are part of  
17 animal truck wash facilities as provided in this chapter.

18 b. The department's decision to approve or disapprove  
19 a permit for the construction of a ~~basin or alternative~~  
20 ~~system~~ structure described in paragraph "a" shall be based on  
21 whether the application is submitted according to procedures  
22 and standards required by this chapter. A person shall not  
23 begin construction of a ~~basin or alternative system requiring~~  
24 ~~a permit~~ such a structure under this section, unless the  
25 department first approves the person's application and issues  
26 to the person a construction permit.

27 Sec. 13. Section 459A.205, subsection 3, Code 2015, is  
28 amended to read as follows:

29 ~~3. The department shall not approve an~~ An application for a  
30 construction permit ~~unless the applicant submits~~ shall include  
31 all of the following:

32 ~~a. For an open feedlot operation submitting an application~~  
33 ~~for a construction permit on or after April 30, 2007, a~~ A  
34 nutrient management plan as provided in section 459A.208.

35 b. An engineering report, construction plans, and



1 specifications prepared by a ~~licensed~~ professional engineer or  
2 the natural resources conservation service of the United States  
3 department of agriculture ~~certifying~~.

4     (1) For an open feedlot operation, the professional  
5 engineer must certify that the construction of the settled  
6 open feedlot effluent basin or alternative technology system  
7 complies with the construction design standards required in  
8 this chapter.

9     (2) For an animal truck wash facility, the professional  
10 engineer must certify that the construction of the animal  
11 truck wash effluent structure complies with the construction  
12 design standards required in this chapter. However, an animal  
13 truck wash facility electing to use a formed animal truck  
14 wash effluent structure, in lieu of an engineering report,  
15 may submit a construction design statement that meets the  
16 requirements of sections 459.306 and 459.307.

17     Sec. 14. Section 459A.205, subsection 4, unnumbered  
18 paragraph 1, Code 2015, is amended to read as follows:

19     ~~An~~ For an open feedlot operation, ~~must be issued~~ a  
20 construction permit must be issued prior to any of the  
21 following:

22     Sec. 15. Section 459A.205, subsection 4, paragraph a, Code  
23 2015, is amended to read as follows:

24     a. The construction, including expansion, of a settled open  
25 feedlot effluent basin or alternative technology system if the  
26 open feedlot operation is required to be issued ~~an operating a~~  
27 NPDES permit.

28     Sec. 16. Section 459A.205, subsection 4, paragraph b,  
29 unnumbered paragraph 1, Code 2015, is amended to read as  
30 follows:

31     ~~The~~ When the department has previously issued the open  
32 feedlot operation a construction permit and any of the  
33 following applies:

34     Sec. 17. Section 459A.205, Code 2015, is amended by adding  
35 the following new subsection:

1     NEW SUBSECTION. 4A. For an animal truck wash facility,  
2 a construction permit must be issued prior to any of the  
3 following:

4     *a.* The construction, including expansion, of an animal truck  
5 wash effluent structure.

6     *b.* When the department has previously issued the animal  
7 truck wash facility a construction permit and the volume of  
8 the animal truck wash effluent would be more than the volume  
9 approved by the department in the previous construction permit.

10    *c.* When the animal truck wash facility is part of a  
11 confinement feeding operation, and all of the following apply:

12       (1) The department has issued a construction permit under  
13 section 459.303 or a letter approving a construction design  
14 statement in lieu of a construction permit as provided by rules  
15 adopted by the commission under section 459.103.

16       (2) The animal truck wash effluent will be added to an  
17 existing manure storage structure resulting in a total stored  
18 volume greater than that approved in the construction permit or  
19 the construction design statement approval letter.

20    *d.* When the animal truck wash facility is part of an open  
21 feedlot operation, and all of the following apply:

22       (1) The department has issued a construction permit under  
23 this section or a NPDES permit under section 459A.401.

24       (2) The animal truck wash effluent will be added to an  
25 existing settled open feedlot effluent basin resulting in  
26 a total stored volume greater than that approved in the  
27 construction permit or NPDES permit.

28    *e.* When the animal truck wash facility is constructed or  
29 expanded as part of a small animal feeding operation that  
30 includes a manure storage structure, and the animal truck  
31 wash effluent will be added to the manure storage structure.  
32 However, a construction permit is not required under this  
33 section for a small animal truck wash facility or for a small  
34 animal truck wash facility that is part of a small animal  
35 feeding operation.

1     Sec. 18. Section 459A.205, subsection 6, unnumbered  
2 paragraph 1, Code 2015, is amended to read as follows:

3     ~~The~~ For an open feedlot operation, the application for the a  
4 construction permit shall include all of the following:

5     Sec. 19. Section 459A.205, subsection 6, paragraph f, Code  
6 2015, is amended to read as follows:

7     f. An engineering report, construction plans, and  
8 specifications prepared by a ~~licensed~~ professional engineer or  
9 by the United States natural resources conservation service,  
10 for the settled open feedlot operation effluent basin or  
11 alternative technology system.

12     Sec. 20. Section 459A.205, subsection 6, paragraph h,  
13 subparagraph (3), Code 2015, is amended to read as follows:

14     (3) A public water supply system as defined in section  
15 455B.171 or a drinking water well which is located within a  
16 distance from the open feedlot operation as prescribed by rules  
17 adopted by the ~~department~~ commission.

18     Sec. 21. Section 459A.205, subsection 6, paragraph i,  
19 subparagraphs (1) and (3), Code 2015, are amended to read as  
20 follows:

21     (1) Information showing that the proposed open feedlot  
22 operation meets criteria for siting as established by rules  
23 adopted by the ~~department~~ commission. However, if the  
24 site does not meet the criteria, the information shall show  
25 substantially equivalent alternatives to meeting such criteria.

26     (3) A conceptual design of the proposed alternative  
27 technology system, as developed by a ~~licensed~~ professional  
28 engineer.

29     Sec. 22. Section 459A.205, Code 2015, is amended by adding  
30 the following new subsection:

31     NEW SUBSECTION. 6A. For an animal truck wash facility, the  
32 application for the construction permit shall include all of  
33 the following:

34     a. The name of the owner of the animal truck wash facility  
35 and the name of the animal truck wash facility, including a

1 mailing address and telephone number for the owner and the  
2 animal truck wash facility.

3     *b.* The name of the contact person for the animal truck wash  
4 facility, including the person's mailing address and telephone  
5 number.

6     *c.* The location of the animal truck wash facility.

7     *d.* A statement providing that the application is for any of  
8 the following:

9         (1) The construction or expansion of an animal truck wash  
10 effluent structure for an existing animal truck wash facility  
11 which is not expanding.

12         (2) The construction or expansion of an animal truck wash  
13 effluent structure for an existing animal truck wash facility  
14 which is expanding.

15         (3) The construction of an animal truck wash effluent  
16 structure for a proposed new animal truck wash facility.

17     *e.* An engineering report, construction plans, and  
18 specifications prepared by a professional engineer or by the  
19 United States natural resources conservation service, for the  
20 animal truck effluent structure.

21         (1) The engineering report must demonstrate that the  
22 storage capacity of its animal truck wash effluent structure  
23 is equal to or greater than the amount of effluent to be stored  
24 for any six-month period, in addition to two feet of freeboard.

25         (2) If an animal truck wash effluent structure is to be  
26 constructed on karst terrain, the engineering report must  
27 establish that the construction complies with the requirements  
28 of section 459A.404.

29     *f.* A soils and hydrogeologic report of the site, as required  
30 in section 459A.206.

31     *g.* Information, including but not limited to maps, drawings,  
32 and aerial photos that clearly show the location of the  
33 animal truck wash facility and all animal truck wash effluent  
34 structures.

35     Sec. 23. Section 459A.205, subsection 7, paragraph a,

1 unnumbered paragraph 1, Code 2015, is amended to read as  
2 follows:

3 Except as provided in paragraph "b", a construction permit  
4 for an open feedlot operation or animal truck wash facility  
5 expires as follows:

6 Sec. 24. Section 459A.205, subsection 8, Code 2015, is  
7 amended to read as follows:

8 8. The department may suspend or revoke a construction  
9 permit, modify the terms or conditions of a construction  
10 permit, or disapprove a request to extend the time to begin  
11 or complete construction as provided in this section, if it  
12 determines that the operation of the open feedlot operation or  
13 animal truck wash facility constitutes a clear, present, and  
14 impending danger to public health or the environment.

15 Sec. 25. Section 459A.206, subsection 1, Code 2015, is  
16 amended to read as follows:

17 1. A settled open feedlot effluent basin or an animal truck  
18 wash effluent structure required to be constructed pursuant to  
19 a construction permit issued pursuant to section 459A.205 shall  
20 meet design standards as required by a soils and hydrogeologic  
21 report.

22 Sec. 26. Section 459A.207, subsection 1, unnumbered  
23 paragraph 1, Code 2015, is amended to read as follows:

24 The owner of an open feedlot operation who is issued a  
25 construction permit for a settled open feedlot effluent basin  
26 or the owner of an animal truck wash facility who is issued a  
27 construction permit for an animal truck wash effluent structure  
28 as provided in section 459A.205 ~~after July 1, 2005,~~ shall

29 submit to the department a construction certification from a  
30 ~~licensed~~ professional engineer certifying all of the following:

31 Sec. 27. Section 459A.207, subsection 1, paragraph b, Code  
32 2015, is amended to read as follows:

33 b. The basin or structure was inspected by the ~~licensed~~  
34 professional engineer after completion of construction and  
35 before commencement of operation.

1     Sec. 28. Section 459A.208, subsections 1, 3, and 4, Code  
2 2015, are amended to read as follows:

3     1. The following persons shall develop and implement a  
4 nutrient management plan meeting the requirements of this  
5 section:

6     a. The owner of an open feedlot operation which has an  
7 animal unit capacity of one thousand animal units or more or  
8 which is required to be issued ~~an operating~~ a NPDES permit  
9 ~~shall develop and implement a nutrient management plan meeting~~  
10 ~~the requirements of this section.~~

11    b. The owner of an animal truck wash facility, other than  
12 a small animal truck wash facility, which has an animal truck  
13 wash effluent structure. However, for an animal truck wash  
14 facility which is part of a confinement feeding operation, in  
15 lieu of submitting a nutrient management plan, the owner of  
16 the animal truck wash facility may submit an original manure  
17 management plan and an updated manure management plan to the  
18 department as required by section 459.312, including rules  
19 adopted by the commission pursuant to that section.

20    3. a. A person shall not remove open feedlot effluent  
21 from an open feedlot operation structure ~~which is part of an~~  
22 ~~open feedlot operation~~ or animal truck wash effluent from an  
23 animal truck wash effluent structure for which a nutrient  
24 management plan is required under this section, unless the  
25 department approves a nutrient management plan as required in  
26 this section. ~~The department~~

27    b. Notwithstanding paragraph "a", the commission may adopt  
28 rules allowing a person to remove ~~open feedlot~~ effluent from an  
29 open feedlot operation structure or animal truck wash effluent  
30 structure until the nutrient management plan is approved or  
31 disapproved by the department according to terms and conditions  
32 required by rules adopted by the ~~department~~ commission.

33    4. The department shall not approve an application for a  
34 permit to construct a settled open feedlot effluent basin or  
35 animal truck wash effluent structure, unless the owner of the

1 open feedlot operation or animal truck wash facility, applying  
 2 for approval submits a nutrient management plan together with  
 3 the application for the construction permit as provided in  
 4 section 459A.205. The owner of the open feedlot operation  
 5 shall also submit proof that the owner has published a notice  
 6 for public comment as provided in this section. The department  
 7 shall approve or disapprove the nutrient management plan as  
 8 provided in section 459A.201.

9 Sec. 29. Section 459A.208, subsection 5, unnumbered  
 10 paragraph 1, Code 2015, is amended to read as follows:

11 ~~Prior~~ For an animal feeding operation, prior to approving  
 12 or disapproving a nutrient management plan as required in this  
 13 section, the department may receive comments exclusively to  
 14 determine whether the nutrient management plan is submitted  
 15 according to procedures required by the department and that the  
 16 nutrient management plan complies with the provisions of this  
 17 chapter.

18 Sec. 30. Section 459A.208, subsections 6, 7, and 9, Code  
 19 2015, are amended to read as follows:

20 6. A nutrient management plan must be authenticated by the  
 21 owner of the open feedlot operation or the owner of the animal  
 22 truck wash facility as required by the department in accordance  
 23 with section 459A.201.

24 7. A nutrient management plan shall include all of the  
 25 following:

26 a. Restrictions on the application of open feedlot effluent  
 27 or animal truck wash effluent based on all of the following:

28 (1) Calculations necessary to determine the land area  
 29 required for the application of ~~open feedlot~~ the effluent ~~from~~  
 30 ~~an open feedlot operation~~ based on nitrogen use levels in order  
 31 to obtain optimum crop yields according to a crop schedule  
 32 specified in the nutrient management plan, and according to  
 33 requirements adopted by the department.

34 (2) A phosphorus index established pursuant to section  
 35 459.312.

1     b. Information relating to the application of the ~~open~~  
2 ~~feedlot~~ effluent, including all of the following:

3       (1) Nutrient ~~levels~~ concentrations of the ~~open feedlot~~  
4 effluent.

5       (2) Application methods, the timing of the application, and  
6 the location of the land where the application occurs.

7     c. If the application is on land other than land owned or  
8 rented for crop production by the owner ~~of the open feedlot~~  
9 ~~operation~~, the plan shall include a copy of each written  
10 agreement executed by the owner ~~of the open feedlot operation~~  
11 and the landowner or the person renting the land for crop  
12 production where the ~~open feedlot~~ effluent may be applied.

13     d. An estimate of the ~~open feedlot~~ effluent volume or weight  
14 produced by the open feedlot operation or animal truck wash  
15 facility.

16     e. Information which shows all of the following:

17       (1) There is adequate storage for open feedlot effluent  
18 or animal truck wash effluent, including procedures to ensure  
19 proper operation and maintenance of ~~the storage structures an~~  
20 open feedlot operation structure or animal truck wash effluent  
21 structure.

22       (2) ~~The~~ For an animal feeding operation, all of the  
23 following:

24       (a) The proper management of animal mortalities to ensure  
25 that animals are not disposed of in an open feedlot operation  
26 structure or a treatment system that is not specifically  
27 designed to treat animal mortalities.

28       (b) Animals kept in the open feedlot operation do not have  
29 direct contact with any waters of the United States.

30       (3) (a) Surface drainage prior to contact with an open  
31 feedlot structure is diverted, as appropriate, from the open  
32 feedlot operation.

33       (b) Surface drainage prior to contact with an animal truck  
34 wash facility is diverted, as appropriate, from the animal  
35 truck wash facility.



1     ~~(4) Animals kept in the open feedlot operation do not have~~  
2 ~~direct contact with any waters of the United States.~~

3     ~~(5)~~ Chemicals or other contaminants handled on-site are  
4 not disposed of in an open feedlot operation structure, an  
5 animal truck wash facility, or a treatment system that is not  
6 specifically designed to treat such chemicals or contaminants.

7     9. The owner of an open feedlot operation or animal truck  
8 wash facility who is required to develop and implement a  
9 nutrient management plan shall maintain a current nutrient  
10 management plan and maintain records sufficient to demonstrate  
11 compliance with the nutrient management plan.

12     Sec. 31. Section 459A.301, Code 2015, is amended to read as  
13 follows:

14     **459A.301 Settled open feedlot effluent basins and animal**  
15 **truck wash effluent structures — construction design standards**  
16 **— rules.**

17     If the department requires that a settled open feedlot  
18 effluent basin or animal truck wash effluent structure be  
19 constructed according to construction design standards,  
20 regardless of whether the department requires the owner to  
21 be issued a construction permit under section 459A.205, any  
22 construction design standards for the basin or structure  
23 shall be established by rules as provided in chapter 17A that  
24 exclusively account for special design characteristics of open  
25 feedlot operations and related basins or animal truck wash  
26 facilities and related structures, including but not limited  
27 to the dilute composition of settled ~~open feedlot~~ effluent as  
28 collected and stored in the basins or structures.

29     Sec. 32. Section 459A.302, unnumbered paragraph 1, Code  
30 2015, is amended to read as follows:

31     A settled open feedlot effluent basin or an animal truck  
32 wash effluent structure required to be constructed pursuant to  
33 a construction permit issued pursuant to section 459A.205 shall  
34 meet all of the following requirements:

35     Sec. 33. Section 459A.302, subsection 1, paragraph a,

1 unnumbered paragraph 1, Code 2015, is amended to read as  
2 follows:

3 Prior to constructing a settled open feedlot effluent basin  
4 or an animal truck wash effluent structure, the site for the  
5 basin shall be investigated for a drainage tile line by the  
6 owner of the open feedlot operation or animal truck wash  
7 facility. The investigation shall be made by digging a core  
8 trench to a depth of at least six feet deep from ground level  
9 at the projected center of the berm of the basin or structure.  
10 If a drainage tile line is discovered, one of the following  
11 solutions shall be implemented:

12 Sec. 34. Section 459A.302, subsections 2, 3, 4, and 5, Code  
13 2015, are amended to read as follows:

14 2. a. The settled open feedlot effluent basin or an animal  
15 truck wash effluent structure shall be constructed with a  
16 minimum separation of two feet between the top of the liner of  
17 the basin or structure and the seasonal high-water table.

18 b. If a drainage tile line around the perimeter of  
19 the settled open feedlot effluent basin or animal truck  
20 wash effluent structure is installed a minimum of two feet  
21 below the top of the ~~basin~~ basin's or structure's liner to  
22 artificially lower the seasonal high-water table, the top of  
23 the ~~basin's~~ liner may be a maximum of four feet below the  
24 seasonal high-water table. The seasonal high-water table may  
25 be artificially lowered by gravity flow tile lines or other  
26 similar system. However, the following shall apply:

27 (1) Except as provided in subparagraph (2), an open feedlot  
28 operation or animal truck wash facility shall not use a  
29 nongravity mechanical system that uses pumping equipment.

30 (2) If the open feedlot operation was constructed before  
31 July 1, 2005, the operation may continue to use its existing  
32 nongravity mechanical system that uses pumping equipment or  
33 it may construct a new nongravity mechanical system that uses  
34 pumping equipment. However, an open feedlot operation that  
35 expands the area of its open feedlot on or after April 1, 2011,

1 shall not use a nongravity mechanical system that uses pumping  
2 equipment.

3 3. Drainage tile lines may be installed to artificially  
4 lower the seasonal high-water table at a settled open feedlot  
5 effluent basin or animal truck wash effluent structure, if all  
6 of the following conditions are satisfied:

7 a. A device to allow monitoring of the water in the drainage  
8 tile lines and a device to allow shutoff of the flow in the  
9 drainage tile lines are installed, if the drainage tile  
10 lines do not have a surface outlet accessible on the property  
11 where the ~~settled open feedlot effluent~~ basin or structure is  
12 located.

13 b. Drainage tile lines are installed horizontally at least  
14 twenty-five feet away from the ~~settled open feedlot effluent~~  
15 basin or structure. Drainage tile lines shall be placed in a  
16 vertical trench and encased in granular material which extends  
17 upward to the level of the seasonal high-water table.

18 4. A settled open feedlot effluent basin or animal truck  
19 wash effluent structure shall be constructed with at least four  
20 feet between the bottom of the basin or structure and a bedrock  
21 formation.

22 5. A settled open feedlot effluent basin or animal truck  
23 wash effluent structure constructed on a floodplain or within  
24 a floodway of a river or stream shall comply with rules ~~of~~  
25 adopted by the department commission.

26 Sec. 35. Section 459A.302, subsection 6, unnumbered  
27 paragraph 1, Code 2015, is amended to read as follows:

28 The liner of a settled open feedlot effluent basin or animal  
29 truck wash effluent structure shall comply with all of the  
30 following:

31 Sec. 36. Section 459A.302, subsection 7, Code 2015, is  
32 amended to read as follows:

33 7. The owner of an open feedlot operation using a settled  
34 open feedlot effluent basin or animal truck wash facility  
35 using an animal truck wash effluent structure shall inspect

1 the berms of the basin or structure at least semiannually for  
2 evidence of erosion. If the inspection reveals erosion which  
3 may impact the basin's or structure's structural stability or  
4 the integrity of the basin's or structure's liner, the owner  
5 shall repair the berms.

6 Sec. 37. Section 459A.303, subsection 2, Code 2015, is  
7 amended to read as follows:

8 2. The ~~department~~ commission shall adopt rules establishing  
9 requirements for the construction and operation of alternative  
10 technology systems.

11 Sec. 38. Section 459A.401, subsection 2, Code 2015, is  
12 amended by striking the subsection and inserting in lieu  
13 thereof the following:

14 2. Notwithstanding subsection 1, an open feedlot operation  
15 that is a concentrated animal feeding operation shall comply  
16 with applicable NPDES permit requirements as provided in the  
17 federal Water Pollution Control Act, pursuant to rules that  
18 shall be adopted by the commission. Any rules adopted pursuant  
19 to this subsection shall be no more stringent than requirements  
20 under the federal Act.

21 Sec. 39. Section 459A.401, Code 2015, is amended by adding  
22 the following new subsection:

23 NEW SUBSECTION. 2A. If the open feedlot operation is  
24 designed, constructed, and operated in accordance with the  
25 requirements of an open feedlot effluent control system as  
26 provided in rules adopted by the commission, the operation  
27 shall be deemed to be in compliance with this section, unless a  
28 discharge from the operation causes a violation of state water  
29 quality standards as provided in chapter 455B, division III.

30 Sec. 40. Section 459A.401, subsection 3, paragraph a, Code  
31 2015, is amended to read as follows:

32 a. (1) The open feedlot operation shall not discharge  
33 open feedlot effluent from an open feedlot operation structure  
34 into any waters of the United States, unless the discharge is  
35 pursuant to ~~an operating~~ a NPDES permit.

1 (2) The open feedlot operation shall not be required to be  
2 issued ~~an operating~~ a NPDES permit if the operation does not  
3 discharge open feedlot effluent into any waters of the United  
4 States.

5 Sec. 41. NEW SECTION. **459A.404 Animal truck wash facility**  
6 **— construction regulations.**

7 1. *a.* An animal truck wash effluent structure shall  
8 not be constructed, including expanded, within one thousand  
9 two hundred fifty feet from a residence not owned by the  
10 titleholder of the animal truck wash facility, a commercial  
11 enterprise, a bona fide religious institution, an educational  
12 institution, or a public use area, as those terms are defined  
13 in section 459.102, and as provided in rules adopted by the  
14 commission pursuant to section 459.103, and as provided in  
15 rules adopted by the commission pursuant to section 459A.104.

16 *b.* An animal truck wash effluent structure shall not be  
17 constructed or expanded within one hundred feet from a public  
18 thoroughfare as defined in section 459.102.

19 *c.* Paragraph "a" does not apply if a residence, educational  
20 institution, commercial enterprise, or bona fide religious  
21 institution was constructed or expanded, or if the boundaries  
22 of the public use area were expanded, after the date that the  
23 animal truck wash facility was established. The date the  
24 animal truck wash facility was established is the date on which  
25 the animal truck wash facility commenced operating. A change  
26 in ownership or expansion of the animal truck wash facility  
27 shall not change the established date of operation.

28 *d.* Paragraph "a" or "b" does not apply if the titleholder of  
29 the land benefiting from the separation distance requirement,  
30 including a person so authorized by the titleholder, executes  
31 a written waiver with the titleholder of the land where  
32 the animal truck wash effluent structure is located. The  
33 structure shall be constructed or expanded under such terms  
34 and conditions that the parties negotiate. The state or  
35 a political subdivision constructing or maintaining the

1 public thoroughfare benefiting from the separation distance  
2 requirement may execute a written waiver with the titleholder  
3 of the land where the structure is located. The animal truck  
4 wash effluent structure shall be constructed or expanded under  
5 such terms and conditions that the parties negotiate.

6     *e.* An unformed animal truck wash effluent structure shall  
7 not be constructed or expanded within the following minimum  
8 separation distances from any of the following:

- 9       (1) One thousand feet from a public shallow well.  
10       (2) Four hundred feet from a public deep well.  
11       (3) Four hundred feet from a private well.

12     2. *a.* Any separation distance required for a confinement  
13 feeding operation structure and a location or object specified  
14 in section 459.310, subsection 1, shall also apply to an animal  
15 truck wash effluent structure and that same location or object.

16     *b.* Any requirement, qualification, or exception that applies  
17 to a separation distance required for a confinement feeding  
18 operation structure and a location or object specified in  
19 section 459.310, subsections 1 and 3, shall also apply to the  
20 separation distance required for an animal truck wash effluent  
21 structure and that same location or object. A separation  
22 distance requirement shall not apply to any of the following:

- 23       (1) An animal truck wash effluent structure and a farm pond  
24 or privately owned lake, as defined in section 462A.2.  
25       (2) An animal truck wash effluent structure constructed  
26 with a secondary containment barrier in accordance with rules  
27 adopted by the commission. The rules shall correspond to rules  
28 adopted pursuant to section 459.310, subsection 3.

29     3. *a.* An animal truck wash effluent structure shall not  
30 be constructed, including expanded, on land that is part of  
31 a one hundred year floodplain as designated by rules adopted  
32 by the commission pursuant to section 459A.104. The rules  
33 shall correspond to rules adopted pursuant to section 459.310,  
34 subsections 2 and 4.

35     *b.* For purposes of section 459.310, subsection 4, the

1 provisions relating to an unformed manure storage structure  
2 shall apply to an unformed animal truck wash effluent structure  
3 and the provisions relating to a formed manure storage  
4 structure shall apply to a formed animal truck wash effluent  
5 structure.

6 c. Notwithstanding section 459.310, subsection 4, a  
7 requirement relating to animal weight capacity or animal unit  
8 capacity shall not apply. In addition, the capacity of a  
9 replacement animal truck wash effluent structure shall not  
10 exceed the amount required to store animal truck wash effluent  
11 for any eighteen-month period.

12 4. A person shall not construct or expand an unformed animal  
13 truck wash effluent structure within an agricultural drainage  
14 well area as provided in section 460.205.

15 5. A person shall not construct an unformed animal truck  
16 wash effluent structure on karst terrain or on an area  
17 that drains into a known sinkhole. However, a person may  
18 construct an animal truck wash effluent structure if there is  
19 a twenty-five foot vertical separation distance between the  
20 bottom of the structure and underlying limestone, dolomite,  
21 or other soluble rock as documented in the engineering report  
22 submitted to the department pursuant to section 459A.205.

23 Sec. 42. Section 459A.410, Code 2015, is amended to read as  
24 follows:

25 **459A.410 Effluent application requirements.**

26 1. Open feedlot effluent or animal truck wash effluent  
27 shall be applied in a manner which does not cause surface water  
28 or groundwater pollution. Application in accordance with  
29 the provisions of state law, including this chapter, rules  
30 adopted pursuant to the provisions of state law, including this  
31 chapter, and guidelines adopted pursuant to this chapter, shall  
32 be deemed as compliance with this section.

33 2. A separation distance in section 459.314 that applies  
34 to the land application of liquid manure from a confinement  
35 feeding operation shall also apply to animal truck wash

1 effluent from an animal truck wash effluent structure in  
2 accordance with rules adopted by the commission.

3     3. A person shall not apply animal truck wash effluent on  
4 land located within seven hundred fifty feet from a residence  
5 not owned by the titleholder of the land in accordance with  
6 rules adopted by the commission. This separation distance does  
7 not apply to the following:

8     a. The animal truck wash effluent is injected into the soil  
9 or incorporated within the soil not later than twenty-four  
10 hours from the original application, as provided by rules  
11 adopted by the commission.

12     b. The titleholder of the land benefiting from the  
13 separation distance requirement executes a written waiver  
14 with the titleholder of the land where the animal truck wash  
15 effluent is applied.

16     c. The animal truck wash effluent is from a small animal  
17 truck wash facility or an animal truck wash facility that is  
18 part of a small animal feeding operation.

19     Sec. 43. Section 459A.411, Code 2015, is amended to read as  
20 follows:

21     **459A.411 Discontinuance of operations.**

22     The owner of an open feedlot operation or animal truck wash  
23 facility who discontinues ~~the use of the~~ its operation shall  
24 remove all ~~open feedlot~~ effluent from related open feedlot  
25 operation structures or animal truck wash effluent structures  
26 used to store ~~open feedlot~~ effluent, as soon as practical but  
27 not later than six months following the date the operations of  
28 the open feedlot operation or animal truck wash facility is  
29 discontinued.